

REMARKS

We trust that the Examiner will now find the application in condition for allowance and reconsideration is respectfully requested. Claim 1 has been amended in response to the Examiner's objections. A marked-up version of the amended claim is included in a section attached hereto. In the marked-up claim, the words underlined are being added, which places the amended claim into the form given above. The attached section is captioned **VERSION WITH MARKINGS TO SHOW CHANGES MADE.**

In the Office Action, claims 1-5 and 11 of the present application were rejected under 35 USC 103(a) as being unpatentable over Cetrelli (U.S. Patent No. 4,284,293) in view of the allegedly admitted prior art. Addressing the Examiner's Response to Argument in the Office Action, claim 1 has been amended to add the limitation that the orientation of said line of vent apertures minimizes tear propagation of said web component and to add the further limitation that said vent apertures provide ventilation to the interior of said plastic bag when said web component is attached to said plastic bag. By adding the indicated limitations, the features of increased tear resistance between vent apertures and the ability of the vent apertures to ventilate the interior of the bag are emphasized.

In contrast to the features of the amended claim, the Cetrelli reference first teaches away from the ventilation of the interior of the package. The depressions or ducts (7) of the reference are of such a length that they extend beyond the sealing zone of the edge areas (11) and (12). (Col. 3, lines 55-58) As shown in Figure 2, the furthest that the ducts could extend is into the space (15) because the ducts are depressed into the edge area (12) that ends at the space (15). If the ducts were in the form of a series of holes, the references discloses that the holes would penetrate the edge area (11) in front of the space (15). In either circumstance, the holes or ducts do not ventilate the interior of the package because the space (15) ventilated is an area bordered by the cut edge (13), the sealing strip (14), and the edge area (11). The space (15) is clearly not the interior of the package. (See Figure 2)

In addition, as described in the previous amendments filed May 6, 2002 and July 10, 2002, the depressions (7) assist in ventilation for proper sealing of the edge area of the package. Since the cut edge

(13) of the edge area (12) is enclosed underneath the sealing strip (14), the space (15) underneath the strip will be filled with expanding vapor during sealing until the sealing strip is deformed or breaks so that the vapor can escape. (Col. 2, line 9-14) The problem is that if the sealing strip breaks or is deformed, it would lift away from the edges toward the interior of the package the result of contamination of the package. As such, there is a clear reason not to ventilate the interior and instead the ducts of the application ventilate to the outside of the package as described above. As a result, the Cetrelli reference teaches away from the package interior ventilating feature as recited by amended claim 1.

In addition to not ventilating the interior of the package, the Cetrelli reference does not teach nor suggest an orientation of a line of vent apertures in which the orientation minimizes tear propagation. In the reference, the apertures or holes cited by the Examiner are not shown in the figures, nor are the holes described other than being an additional component of the package. The holes are an additional component because the ducts (7) of the package are originally grooved into the edge areas (12) facing the edge area (11). (See Figure 2 and Col. 3, lines 52-55) The cited reference discloses that the ducts (7) may be given a different shape and it is conceivable to give the ducts the form of a series of holes which penetrate through the outside edge area (11) in front of the space (15). (Col. 4, lines 43-46)

The shape of the ducts, which is not the shape of the holes and would not include the holes in the edge (11), is preferred for the packing material. (Col. 4, lines 46-51) As such, there is no indication that the holes are given a form in the elliptical shapes of the ducts as suggested in the Office Action. Further, if the edge (11) was perforated with holes, the Cetrelli reference does disclose that the packing material would be weakened. This is implied from the reference because “such an embodiment (holes in the edge area 11) in most cases does not represent an advantage over the embodiment described (ducts and depressions in the edge 12), which provides perfectly satisfactory ventilation without out any kind of weakening of the packing material”. (Col. 4, lines 49-51) As written in the cited reference, the ducts do not weaken the packing material but having the holes would weaken the packing material.

Since a feature of amended claim 1 is to indeed ventilate the interior of the bag, the associated vent apertures must be able to accomplish this ventilation without weakening the web. For a web

attached to a bag, the weakness would be a tearing situation between the holes or vent apertures. However, by defining the direction and orientation of the vent apertures in relation to each other in the amended claim of the present application, the amount of venting achieved in a given area is increased and tear propagation in that area is decreased.

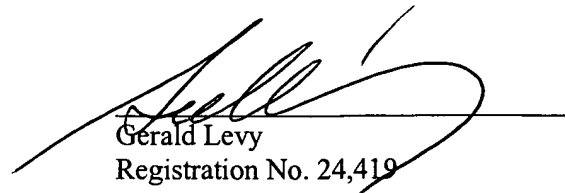
As described above and in conjunction with the previous amendments, the Cetrelli reference neither teaches nor suggests the ventilation and tear-resistant features of amended claim 1 of the present application. As a result, amended claim 1 would not be obvious to one skilled in the art in view of the cited reference. Claims 2-5 and 11, which depend on amended claim 1, also would not be obvious to one skilled in the art in view of the Cetrelli reference.

In further consideration of claims 2 and 11 of the present application, the claims would not be conventional to the way the slits are shown in Figure 1. In order to form the slits in Figure 1, the teeth would have to be perpendicular to the axis. Claim 11 recites a cutting wheel which rotates about an axis, a periphery of said cutting wheel including teeth which are not perpendicular to said axis. Claim 2 of the present application further recites the cutter of claim 11 wherein the teeth are parallel to said axis. As such, it would not be obvious to one skilled in the art in view of the reasons described above for the Cetrelli reference and for the conventional manner in forming vent apertures to produce the method of claim 11 and dependent claim 2.

In view of the above, it is respectfully submitted that the claims as herein are patently distinguishable over the prior art and the application is now believed to be in condition for allowance.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

1. (Amended For A Third Time) A method for providing vent apertures to a web component of a plastic bag, comprising the steps of:

providing a cutter which cuts a line of vent apertures along a first direction, said vent apertures being oriented in a second direction which is not parallel to said first direction such that the orientation of said line of vent apertures minimizes tear propagation of said web component;

providing an anvil means against which said cutter bears, thereby creating a nip; and

drawing the web component through said nip formed between said cutter and said anvil means thereby forming said line of vent apertures in the web component;

wherein said vent apertures provide ventilation to the interior of said plastic bag when said web component is attached to said plastic bag.